

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BOSTON DIVISION

**MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,**

Plaintiff,

v.

Civil Action No: 05-10990 DPW

**HARMAN INTERNATIONAL INDUSTRIES,
INCORPORATED,**
A Delaware Corporation,
Defendant.

**DEFENDANT HARMAN'S RULE 12(B)(2) & (3) MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION OR UNDER THE FIRST-TO-FILE RULE**

Defendant Harman International Industries, Inc. ("Harman"), by and through its attorneys, Sherin and Lodgen LLP, make a special and limited appearance in this cause for the limited purpose of filing this motion to dismiss under Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction over Harman, and Rule 12(b)(3) for improper venue under the first-to-file rule. In support of this Motion, Harman submits the accompanying Memorandum.

Pursuant to Local Rule 7.1(A)(2) counsel certifies that prior to filing this motion they conferred with counsel for MIT and attempted in good faith to resolve or narrow the issues presented herein, but have been unable to do so.

REQUEST FOR ORAL ARGUMENT

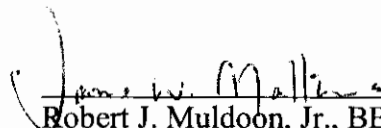
Pursuant to Local Rule 7.1(D), Harman respectfully requests oral argument on this motion.

CONCLUSION

For the reasons stated herein and in the accompanying Harman's Memorandum of Law in Support of Its Motion to Dismiss, Harman respectfully requests that this Court dismiss MIT's Complaint.

Dated: June 10, 2005

Respectfully submitted,


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